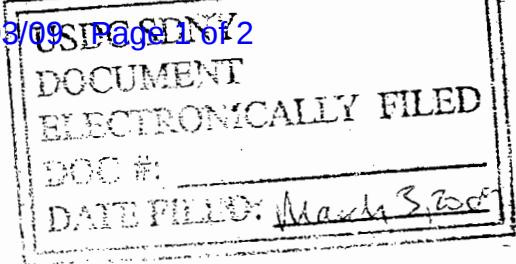


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
GARY WHITE,Plaintiff,
-against-06 Civ. 11361 (DAB)
ORDER

SUPERINTENDENT ROBERT ERCOLE,

Defendant.

-----X
DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the November 10, 2008 Report and Recommendation ("Report") of United States Magistrate Judge Douglas F. Eaton. The Report recommends that the Defendant's Motion to Dismiss the Complaint be GRANTED. (Report at 15.)

According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b) (stating that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). Despite being advised of this procedure in Magistrate Judge Eaton's Report and Recommendation, to date, no specific objections to said Report and Recommendation have been filed.

Having reviewed the Report and Recommendation, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge Douglas F. Eaton, dated November 10, 2008, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;
2. Upon entry of judgment in favor of Defendant, the Clerk of Court is directed to CLOSE the docket for this case.

SO ORDERED.

Dated: New York, New York

March 3, 2009

Deborah A. Batts
Deborah A. Batts
United States District Judge